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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,452	03/31/2004	Jiewen Liu	80107.160US1	5473

7590 07/25/2006  
LeMoine Patent Services, PLLC  
c/o PortfoliOP  
P.O. Box 52050  
Minneapolis, MN 55402

EXAMINER
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LA, NICHOLAS T

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/814,452

Applicant(s)

LIU ET AL.

Examiner

Nicholas T. La

Art Unit

2617

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 06 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
Please see continuation sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

A) Regarding the argument addressing the 35 USC 112 Rejections in Remarks, the argument is persuasive. Therefore, the 35 USC 112 first paragraph rejections applied to claims 1, 8, 15, 21, 24 are withdrawn.

B) Regarding the arguments addressing the 35 USC 103 (a) rejections in the Remarks, the arguments are not persuasive.

1) Regarding argument regarding independent claims 1, 8, and 15 that the applicant claims that the reference Bokhorst, et al. does not teach "determining a desired sleep interval as a number of TIM intervals". The examiner disagrees,

Figure 6, col. 5, line 20 to 30 clearly teaches the sleep intervals at the stations are chosen in respect of TIM message intervals so that the mobile terminals are in the awake state prior to the earliest time that the next TIM message can arrive as clearly shown in Figure 6. As in elements 130-1, 132-1, 134-1, and 136-1, the sleep intervals is set as long as in respect of one TIM message interval. Thus, the number of TIM intervals to sleep is one interval. Therefore, Bokhorst et al. teaches the invention and not teaching away as the applicant alleged.

2) Regarding argument regarding independent claims 1, 8, 15 and 24 that the applicant claims that the reference Bokhorst, et al. does not teach "if no TIM message is receive, sleeping for one additional TIM message interval". The examiner disagrees,

Figure 6, col. 5, 17 to 30 clearly teaches that message TIM-1 indicates that no messages are to be transmitted by the access point, as a result, the station will go to doze state for intervals 130-1, 132-1, 134-1, and 136-1 corresponding to one TIM message interval as clearly shown in Figure 6 and explanation above and to switch back to awake state at the end of the interval as the next TIM message arrives. Therefore, Bokhorst teaches the invention.

3) Regarding argument regarding Bokhorst et al. does not set the intervals 130-1, 132-1, 134-1, and 136-1 "if no TIM message is received" (it is unclear if the applicant really meant; however, the examiner assumes the applicant means that the mobile station taught by Bokhorst et al. does not set the doze state intervals). This limitation is not set forth in the claim language of the respective claims therefore is not being considered.

Nicholas La  
07/17/2006



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